

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NECA-IBEW LOCAL 364 DEFINED
CONTRIBUTION PENSION FUND,
NATIONAL ELECTRICAL BENEFIT FUND
AND NECA-IBEW LOCAL 364 WELFARE
FUND,

Plaintiff,

vs.

JOHN ESPOSITO d/b/a Sign Effects

Defendant.

Case No.: 10 C 4545

Judge William T. Hart

MOTION FOR ENTRY OF JUDGMENT IN SUM CERTAIN

NOW COME Plaintiffs, NECA-IBEW Local 364 Defined Contribution Pension Fund, National Electrical Benefit Fund and NECA-IBEW Local 364 Welfare Fund (“Plaintiff Funds”), by Roger N. Gold, their attorney, and move for entry of judgment in sum certain against Defendant, John Esposito d/b/a Sign Effects (“Defendant”). In support of said Motion, Plaintiffs state as follows:

1. Plaintiffs filed this Complaint on July 21, 2010 pursuant to 29 U.S.C. ¶1132 for collection of delinquent fringe benefit contributions, liquidated damages, attorney’s fees and costs.
2. Personal service of the Summons and Complaint was made upon Defendant on August 1, 2010 and a copy of the proof of service was filed with the court on August 17, 2010.
3. Defendant thereafter failed to file an answer or otherwise plead.
4. On October 21, 2010 this Court entered an Order of Default against Defendant.

5. As shown in the affidavits of Darren Golden and Joni Holmgren, submitted in support of this motion (Exhibits A and B), Defendant owes fringe benefit contributions to the Plaintiff for the period November 1, 2008 through February 28, 2010 of \$42,728.86, liquidated damages equal to 20% of the contributions due, a total of \$8,545.77, and audit costs of \$807.97, a grand total of \$52,082.60.

6. As shown in the affidavit of Roger N. Gold, attorney for the Plaintiffs, submitted with this motion (Exhibit C), the legal fees and costs incurred in this lawsuit total \$1,608.00.

WHEREFORE, Plaintiffs pray that:

1. An Judgment be rendered against John Esposito d/b/a Sign Effects in the amount of \$53,690.60.

Respectfully submitted,

NECA-IBEW Local 364 Defined Contribution Pension Fund, National Electrical Benefit Fund, NECA-IBEW Local 364 Welfare Fund

BY: /s/ Roger N. Gold
Roger N. Gold, Attorney for Plaintiffs

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